



U.S. Department of Justice
Civil Division
Federal Programs Branch

July 15, 2019

Via CM/ECF

The Honorable Timothy J. Sullivan
United States Magistrate Judge

Re: *NAACP, et al. v. Bureau of the Census, et al.*, No. 8:18-cv-0891-PWG (D. Md.)

Dear Judge Sullivan:

Defendants write to request the opportunity to oppose Plaintiffs' letter (ECF No. 136), which concerns various issues related to Plaintiffs' requests for production of documents. Plaintiffs' letter contains inaccurate and misleading factual contentions and misconstrues governing case law. Accordingly, Defendants respectfully request the opportunity to file a four-page letter response to Plaintiffs' arguments by July 19, 2019.

Further, Plaintiffs failed to meet and confer about Defendants' July 8, 2019, production and have not challenged any specific document on Defendants' privilege log. Defendants remain willing to meet and confer to consider any specific request Plaintiffs may have to reconsider the withholding of particular documents on the basis of privilege. Absent any specific request by Plaintiffs, Plaintiffs seek to challenge 118 documents from the July 8 production withheld on the basis of privilege. Defendants respectfully request until August 2, 2019, to file a response addressing the specific documents at issue in Plaintiffs' letter. Such time is necessary to allow Defendants to formally invoke the deliberative process privilege through a declaration.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

JAMES M. BURNHAM
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Director, Federal Programs Branch

JOSHUA E. GARDNER
Special Counsel, Federal Programs Branch

/s/ Christopher M. Lynch
STEPHEN EHRLICH
CHRISTOPHER M. LYNCH
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch

1100 L Street, N.W.
Washington, DC 20005
Tel.: (202) 305-9803
Email: stephen.ehrlich@usdoj.gov

Counsel for Defendants

CC: All Counsel of Record (by ECF)